

01263.107359.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
LJUBOMIR JOSIFOVSKI ) Examiner: Nathan H. Brown, Jr.  
U.S. Application No.: 10/564,632 ) Group Art Unit: 2129  
Int'l App No.: PCT/GB04/03084 ) Confirmation No. 2067  
§ 371 (c) Date: June 26, 2006 )  
Int'l Filing Date: July 16, 2004 )  
For: LATTICE MATCHING ) July 22, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMENTS ON SUPPLEMENTAL REASONS FOR ALLOWANCE

Sir:

Applicant is herewith providing Comments on the Examiner's Supplemental Reasons For Allowance, as stated in the Office Communication dated July 10, 2009.

CERTIFICATE OF EFS-WEB TRANSMISSION  
I hereby certify that this correspondence is being filed electronically by EFS-Web transmission to the United States Patent Office on:

\_\_\_\_\_  
July 22, 2009  
(Date of Transmission)

\_\_\_\_\_  
Shant H. Tchakerian, Reg. No. 61,825  
(Name of Attorney for Applicant)

\_\_\_\_\_  
/Shant Tchakerian #61,825/  
Signature \_\_\_\_\_ Date of Signature  
\_\_\_\_\_  
July 22, 2009

Before providing such comments, a matter of procedure is addressed.

Pursuant to MPEP §1302.14, comments on reasons for allowance must be filed no later than the date on which the issue fee is paid. Here, the issue fee was paid on June 25, 2009. However, the Examiner's Supplemental Reasons did not issue until after that date, such that Applicant did not have an opportunity to file comments until now. Accordingly, these Comments are believed to be timely, and therefore entry in to the record is respectfully requested.

Turning to his Comments, the Applicant again respectfully asserts that reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear [the Examiner's] reasons for allowing a claim or claims." 37 C.F.R. 1.104(e). In the present case, Applicant believes the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted. Thus, the record should reflect that Applicant does not necessarily agree with the Examiner's Supplemental Reasons For Allowance.

In particular, the Supplemental Reasons For Allowance do not fully correspond to allowed Claims 20 and 52, since the features cited in the Supplemental Reasons For Allowance do not fully reflect the subject matter of Claims 20 and 52 when considered as a whole.

Accordingly, it is Applicant's understanding that independent Claims 20 and 52 were allowed based on the claimed subject matter thereof, when considered as a whole. On the other hand, if the Examiner did, in fact, intend for the Supplemental Reasons For Allowance to correspond fully to Claims 20 and 52, then he is respectfully encouraged to state such for the record.

Pursuant to 1247 O.G. 111 entitled "Clarification of 37 C.F.R. § 1.704(c)(10) - Reduction of Patent Term Adjustment For Certain Types of Papers Filed After a Notice Of Allowance Has Been Mailed", this paper is not considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application, and Applicant should not be penalized for term adjustment even though this paper is filed after allowance.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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